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ESTATE OF SALVADOR ROMERO
and EMILIA ABEYTA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ESTATE OF SALVADOR ROMERO and
EMILIA ABEYTA,

Plaintiffs,

vs.

COUNTY OF SOLANO, SOLANO COUNTY
SHERIFF'S OFFICE, THOMAS FERRARA,
HUNT, KIMBROUGH, CALIFORNIA
FORENSIC MEDICAL GROUP dba
WELLPATH, INC., and DOE 1 to 20,

Defendants.

Case No.

**COMPLAINT FOR VIOLATION OF
CIVIL AND CONSTITUTIONAL RIGHTS**

DEMAND FOR JURY TRIAL

INTRODUCTION

SALVADOR ROMERO was a documented mental health inmate in the custody of the SOLANO COUNTY SHERIFF'S OFFICE at the Solano County Jail, under the care and supervision of jail staff, including contracted medical personnel from CALIFORNIA FORENSIC MEDICAL GROUP (also-known-as and doing-business-as WELLPATH, INC.). The jail staff ignored the deterioration of SALVADOR ROMERO's mental health over the course of multiple weeks, including denying him necessary mental health treatment, and left him unsupervised, resulting in his death by suicide.

JURISDICTION & VENUE

1
2 1. This Court has jurisdiction of the federal claims under 28 U.S.C. § 1331 (in that they arise
3 under the United States Constitution) and 28 U.S.C. § 1343(a)(3) (in that the action is brought to address
4 deprivations, under color of state authority, of rights, privileges, and immunities protected by the U.S.
5 Constitution). This Court has supplemental jurisdiction of the state claims under 28 U.S.C. § 1367.

6 2. Venue is proper in the United State District Court for the Eastern District of California
7 pursuant to 28 U.S.C. § 1391(b) because Defendants are located in the Eastern District of California and
8 because many of the acts and/or omissions described herein occurred in the Eastern District of California.

9 3. Intradistrict venue is proper in the Sacramento Division of the Eastern District of
10 California pursuant to Eastern District of California Local Rule 120(d) because the claims asserted herein
11 arise from acts and/or omissions which occurred in the State of California, County of Solano.

EXHAUSTION

12
13 4. On November 8, 2022, the ESTATE OF SALVADOR ROMERO and EMILIA ABEYTA
14 submitted a government claim relating to the claims asserted in this action to the COUNTY OF
15 SOLANO and SOLANO COUNTY SHERIFF'S OFFICE, pursuant to California Government Code
16 section 910 *et seq.* (Claim No. 2022-081.)

17 5. On January 25, 2023, the COUNTY OF SOLANO served by mail a notice of rejection of
18 government claim, pursuant to California Government Code section 913.

19 6. By December 23, 2022, the SOLANO COUNTY SHERIFF'S OFFICE failed or refused
20 to act on the government claim, pursuant to California Government Code section 912.4.

PARTIES

21
22 7. Plaintiff ESTATE OF SALVADOR ROMERO appears by and through real-party-in-
23 interest Plaintiff EMILIA ABEYTA, the biological mother of SALVADOR ROMERO, who brings this
24 action pursuant to California Code of Civil Procedure section 377.30. Plaintiff EMILIA ABEYTA brings
25 this action as the successor-in-interest on behalf of the decedent SALVADOR ROMERO. Plaintiff
26 EMILIA ABEYTA's declaration relating to status as SALVADOR ROMERO's successor-in-interest is
27 attached hereto, pursuant to California Code of Civil Procedure section 377.32.

28 8. Plaintiff EMILIA ABEYTA is a resident of the State of Utah, County of Davis. Plaintiff

1 EMILIA ABEYTA brings this action: (a) in a representative capacity, as the successor-in-interest of
2 SALVADOR ROMERO and on behalf of Plaintiff ESTATE OF SALVADOR ROMERO; and (b) in an
3 individual capacity, on behalf of herself. Plaintiff EMILIA ABEYTA is the biological mother of
4 SALVADOR ROMERO and the heir to his estate, under California law.

5 9. Defendant COUNTY OF SOLANO is located in the State of California. Defendant
6 COUNTY OF SOLANO is a “public entity,” pursuant to California Government Code section 811.2.

7 10. Defendant SOLANO COUNTY SHERIFF’S OFFICE is located in the State of California,
8 County of Solano. Defendant SOLANO COUNTY SHERIFF’S OFFICE is a “public entity,” pursuant to
9 California Government Code section 811.2.

10 11. Defendant THOMAS FERRARA is and was, and at all times material herein, a law
11 enforcement officer and the Sheriff-Coroner for Defendants COUNTY OF SOLANO and SOLANO
12 COUNTY SHERIFF’S OFFICE, acting under color of state law and within the scope of employment.
13 Defendant THOMAS FERRARA is sued in an individual capacity.

14 12. Defendant CALIFORNIA FORENSIC MEDICAL GROUP has a business address in the
15 State of California, County of Monterey and County of San Diego. Defendant CALIFORNIA
16 FORENSIC MEDICAL GROUP is and was, and at all times material herein, a California corporation
17 licensed to and doing business in California. Defendant CALIFORNIA FORENSIC MEDICAL GROUP
18 is owned and controlled by H.I.G. CAPITAL. Defendant CALIFORNIA FORENSIC MEDICAL
19 GROUP is also-known-as CORRECTIONAL MEDICAL GROUP COMPANIES INC. and doing-
20 business-as WELLPATH, INC. Defendant WELLPATH, INC. is a Delaware Corporation with a
21 business address in the State of California, County of San Diego. Defendant CALIFORNIA FORENSIC
22 MEDICAL GROUP dba WELLPATH, INC. are California corporations licensed to and doing business
23 in the State of California Defendant CALIFORNIA FORENSIC MEDICAL GROUP aka
24 CORRECTIONAL MEDICAL GROUP COMPANIES INC. dba WELLPATH, INC. is hereinafter
25 collectively referred to as Defendant WELLPATH, INC.

26 13. Defendant HUNT is and was, and at all times material herein, a law enforcement officer
27 employed by Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF’S OFFICE,
28 acting under color of state law and within the scope of employment. Defendant HUNT is sued in an

individual capacity.

14. Defendant KIMBROUGH is and was, and at all times material herein, a law enforcement officer employed by Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE, acting under color of state law and within the scope of employment. Defendant KIMBROUGH is sued in an individual capacity.

15. Defendants DOE 1 to 20 are and/or were agents, contractors, or employees of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and/or WELLPATH, INC, acting under color of state law and within the scope of agency or employment. Defendants DOE 1 to 20 are sued by fictitious names, where their true and correct identities will be substituted when ascertained.

GENERAL ALLEGATIONS

16. At all times relevant herein, all wrongful acts described were performed under color of state law and/or in concert with or on behalf of those acting under the color of state law.

17. SALVADOR ROMERO was a 39-year-old man, prior to his death on September 4, 2022.

18. SALVADOR ROMERO suffered from multiple diagnosed mental disabilities, including paranoid schizophrenia, bipolar disorder, and cognitive impairment. SALVADOR ROMERO's disabilities required hospitalizations and treatment on several occasions prior to his death, and substantially limited one or more major life activities, at all times material herein, including the ability to care for himself, concentrate, think, and communicate.

19. SALVADOR ROMERO had documented disabilities for which he received treatment and was prescribed medications for years preceding his death, since he was a teenager.

20. Since November 2014, Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and THOMAS FERRARA contract with Defendant WELLPATH, INC. for the provision of medical and mental health care to inmates, including those inmates in custody at the Solano County Jail. For example, Defendant WELLPATH, INC., on behalf of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and THOMAS FERRARA, is responsible for assessing inmates for possible suicide risk, instituting appropriate suicide precautions, approving housing classification, and communicating inmates' suicide risks with custodial staff, health care professionals, and outside facilities.

21. SALVADOR ROMERO was known to be a mentally ill man requiring mental health care and treatment by Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC., including their jail staff, Defendants DOE 1 to 20. For example, SALVADOR ROMERO was booked into the jail for an arrest occurring on September 14, 2018. During a "Medical Intake Triage/Receiving Screening," Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH, INC.'s records for SALVADOR ROMERO identified that he had attempted suicide "100,000 times," including "the other day" when he "attempted to jump out of his mother's moving vehicle..."

22. On August 3, 2022, SALVADOR ROMERO was incarcerated as a pre-trial detainee in the custody of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and THOMAS FERRARA, at the Solano County Jail, 500 Union Avenue, Fairfield, CA 94533.

23. Upon SALVADOR ROMERO's booking into the jail, Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH, INC.'s records for SALVADOR ROMERO identified "Diagnosis" as "history of treatment for mental health," "Bipolar disorder," "Mild cognitive impairment," and "House alone"; identified "Symptoms/experiences" as "Pt reports history of hearing voices"; identified "hospitalization for psychiatric treatment" as "3-4 weeks ago"; identified as affirmative a "history of hallucinations" based on "Auditory" hallucinations; identified as affirmative "previous suicide attempts/self-harm"; and identified "CURRENT STATUS AND FACTORS OF CONCERN" as "Past Suicide Attempt," "Domestic Violence Charge," "Prior Suicide Watch Placement in Facility," and "Recent Release from Inpatient Psychiatric Unit."

24. On August 5, 2022, Defendant SENaida RANGEL, a licensed social worker, conducted a "Suicide Watcher Daily Follow-Up and Discharge for Mental Health" interview with SALVADOR ROMERO and identified "Type of Watch and Frequency" as "Staggered 15 minutes"; identified "Reason for Watch" as "Ideation"; identified an affirmative response to the question "Have you wished you were dead or wished you could go to sleep and not wake up?"; identified an affirmative response to the question "Have you ever done anything, started to do anything, or prepared to do anything to end your life?"; identified "Risk Factors" as "Active major depression/mania/hallucinations/delusions," "Bad news (legal, loss of loved one, privileges revoked, serious illness, recent rejection, or loss)," "Impulsive,"

“Legal concerns (crime against child, serious charges, high profile, heightened preoccupation with charges),” “Prior suicide watch placement while incarcerated,” “Prior suicide attempts / suicide note found,” “Psychiatric hospitalization (recently released),” “Restrictive Housing placement,” and “Violence / domestic abuse towards others”; and identified the “Estimated current self-harm/suicide risk level” as “Low.”

25. On August 6, 2022, Defendant SENaida Rangel conducted a “Mental Health Initial Assessment” interview with Salvador Romero and identified the “Estimated current self-harm/suicide risk level” as “Low”; and identified “Housing Recommendation” as “Mental Health Housing/Special Housing,” as opposed to “Suicide Watch.”

26. In or about early August 2022, Defendants DOE 1 to 20 changed Salvador Romero’s medications.

27. Thereafter, Salvador Romero experienced more severe mental health issues. For example, Salvador Romero became “zombie-like”; he generally stopped communicating with others; he began walking around the jail while barefoot; and he began urinating and defecating on himself.

28. Other jail inmates, including Salvador Romero’s next-cell-neighbor Kurt DaSilva, alerted jail staff to Salvador Romero’s deteriorating condition and asked jail staff to intervene and to check on him.

29. Defendants DOE 1 to 20 failed to follow-up on requests to check on Salvador Romero’s health and wellbeing.

30. Defendants County of Solano, Solano County Sheriff’s Office, Thomas Ferrara, and Wellpath, Inc.’s jail staff, including Defendants DOE 1 to 20, are generally lax and inattentive to inmates’ needs. For example, the custody staff frequently forgets or ignores safety checks on inmates’ cells; and the medical staff frequently forgets to dispense inmates’ medications.

31. Defendants County of Solano, Solano County Sheriff’s Office, Thomas Ferrara, and Wellpath, Inc.’s jail staff, including Defendants DOE 1 to 20, knew or should have known that Salvador Romero’s was at risk of harm, based on the nature of his mental

illness and behavior and the complaints received.

32. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC.'s jail staff, including Defendants DOE 1 to 20, inadequately booked, classified, and assigned SALVADOR ROMERO's housing at the jail, with deliberate indifference to the risk that he would be harmed, including to the presence of items inside of the cell which could be used for self-harm.

33. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC.'s jail staff, including Defendants DOE 1 to 20, inadequately supervised and oversaw inmates in and around the area in which SALVADOR ROMERO was housed, with deliberate indifference to the risk that he would be harmed.

34. On August 22, 2022, SALVADOR ROMERO activated the emergency button inside of his cell. SALVADOR ROMERO sat on his bunk and responded, "I don't know," when questioned why he activated the emergency button inside of his cell.

35. On August 30, 2022, the jail's mental health staff received a call from Plaintiff EMILIA ABEYTA, SALVADOR ROMERO's mother. Therein, Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH, INC.'s records document: "[Plaintiff EMILIA ABEYTA] expressed concern about [SALVADOR ROMERO's] medical issues and state[d] the patient has not been coming out of his cell and has not been calling her. Mother also expressed concern about the medications being changed. . . The mother was informed that there is an upcoming task for mental health to see the patient and that medical would be informed of her concerns."

36. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH, INC.'s medical staff did not address Plaintiff EMILIA ABEYTA's concerns.

37. On September 4, 2022, around 2:43 p.m., SALVADOR ROMERO was located in his cell.

38. SALVADOR ROMERO became upset during a conversation with Defendant HUNT, a female correctional officer, who was present outside of SALVADOR ROMERO's cell.

39. SALVADOR ROMERO hit and kicked his cell door in frustration.

40. Defendant HUNT sighed and walked away from SALVADOR ROMERO's cell.

41. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,

THOMAS FERRARA, and WELLPATH, INC.'s jail staff, including Defendants HUNT and DOE 1 to 20, knew or should have known that SALVADOR ROMERO was at risk of harm, based on events preceding his death and his condition.

42. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC.'s jail staff, including Defendants HUNT and DOE 1 to 20, inadequately supervised and oversaw inmates in and around the area in which SALVADOR ROMERO was housed, with deliberate indifference to the risk that SALVADOR ROMERO would be harmed.

43. Approximately 30 minutes later, Defendant KIMBROUGH, a male correctional officer, discovered SALVADOR ROMERO hanging inside of his cell.

44. Defendant KIMBROUGH entered SALVADOR ROMERO's cell and cut-down his hanging body.

45. Defendant KIMBROUGH called for back-up on his radio.

46. Thereafter, Defendant HUNT arrived outside of SALVADOR ROMERO's cell.

47. Defendants KIMBROUGH and HUNT waited around SALVADOR ROMERO's cell for about 15 minutes, as the jail's medical staff had a delayed response.

48. Defendant KIMBROUGH waited inside of SALVADOR ROMERO's cell, while Defendant HUNT remained outside of the cell.

49. Defendants KIMBROUGH, HUNT, and DOE 1 to 20 failed to provide SALVADOR ROMERO with medical attention during the approximately 15-minute wait-time for medical staff to arrive at the cell.

50. Defendant DOE 1 to 20, including the jail's medical staff, delayed in responding to SALVADOR ROMERO's cell for approximately 15 minutes after receiving notice that SALVADOR ROMERO was in need of immediate medical care.

51. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC.'s jail staff, including Defendants KIMBROUGH, HUNT, and DOE 1 to 20, inadequately responded to SALVADOR ROMERO's medical emergency, with deliberate indifference to the risk that he would be further harmed, including by failing timely to

1 recognize the need for immediate medical care, to summon necessary medical care, and to provide
2 necessary medical care.

3 52. Defendant DOE 1 to 20, including the jail's medical staff, arrived at SALVADOR
4 ROMERO's cell approximately 15 minutes after Defendant KIMBROUGH discovered SALVADOR
5 ROMERO hanging in his cell.

6 53. Defendant DOE 1 to 20, including the jail's medical staff, attempted to resuscitate
7 SALVADOR ROMERO for approximately about 10 minutes.

8 54. Thereafter, SALVADOR ROMERO was determined to be dead and his body was
9 removed from the cell.

10 55. SALVADOR ROMERO's cause of death was determined to be "asphyxia," resulting
11 from an "apparent suicide by hanging while in custody at the Solano County Jail."

12 **POLICY AND CUSTOM ALLEGATIONS**

13 56. Defendant THOMAS FERRARA, as Sheriff, is and was a final policymaking authority
14 for Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE, including as it
15 relates to the maintenance and operation of jail and detention facilities, including the Solano County Jail;
16 training, supervision, and discipline of law enforcement officers acting under his command; and the
17 safekeeping of inmates/prisoners in his custody. *See* Cal. Const. Art. XI § 1(b); Cal. Pen. Code § 4000;
18 Cal. Pen. Code § 4006; Cal. Gov. Code § 26605; Cal. Gov. Code § 26610. Defendant THOMAS
19 FERRARA has been employed by Defendants COUNTY OF SOLANO and SOLANO COUNTY
20 SHERIFF'S OFFICE since 1984, and became Sheriff on August 2012.

21 57. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
22 THOMAS FERRARA, and WELLPATH, INC. maintain policies or customs whereby personnel fail to
23 provide necessary medical care and treatment to inmates housed at the Solano County Jail. For example,
24 Specifically, Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
25 THOMAS FERRARA, and WELLPATH, INC.'s inadequate policies, customs, training, supervision, and
26 discipline of jail staff at the Solano County Jail results in the following deficiencies:

27 (a) Failure to provide inmates with access to necessary and appropriate medical and
28 mental health care;

- (b) Failure to conduct appropriate and complete suicide/risk assessments;
- (c) Failure to create and implement appropriate medical and mental health treatment plans;
- (d) Utilization of isolation cells and excessive lockdown which contributes to and exacerbates mental illness;
- (e) Inadequate and lack of meaningful monitoring of inmates in isolation units or on continual lockdown, which places inmates at risk and contributes to mental illness and risk of suicide;
- (f) Failure promptly to evaluate and transfer inmates to a hospital or facility providing appropriate and necessary medical and mental health care, where an inmate is gravely disabled, at risk of serious harm and/or suicidal;
- (g) Failure to take reasonable and necessary action to reduce or to end harmful cumulative effects of prolonged isolation in solitary confinement;
- (h) Failure to implement necessary and appropriate emergency treatment policies; and
- (i) Failure to provide necessary and appropriate staffing, checks, and training for the purpose of providing minimally-adequate medical and mental health treatment for seriously ill inmates.

58. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC.'s policies and customs fail to comply with the standards set forth by the National Commission on Correctional Health Care ("NCCHC").

59. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC. were or should have been on notice regarding the need to discontinue, modify, or implement new and different versions of deficient policies or customs because the inadequacies were so obvious and likely to result in violations of the rights of inmates housed at the Solano County Jail.

60. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC.'s policy or custom is demonstrated by:

- (a) Numerous and consistent in-custody death incidents occurring at the Solano County Jail. Vallejo Sun, Scott Morris, *2022 was deadliest year in Solano County jails in 24 years* (Dec. 19, 2022), available at: <<https://www.vallejosun.com/2022-was-deadliest-year-in-solano-county-jails-in->

24-years/>. These in-custody death incidents include suicides by inmates requiring mental health care and treatment, for example: Douglas Tuttle (died December 2, 2014); Jeremiah Conaway (died April 10, 2019; *LeMoon v. Cal. Forensic Med. Grp.*, United States District Court, Northern District of California, Case No. 4:20-cv-02552-PJH); and Kurt DeSilva (died January 23, 2023).

(b) Acknowledgement by a former deputy that Defendants SOLANO COUNTY SHERIFF’S OFFICE and THOMAS FERRARA “could be doing much more to help people in its custody,” where there are “little to no programs in the jail to connect [] people with mental health services, addiction recovery or job training.” Vallejo Sun, Scott Morris, *Former Solano County deputy emphasizes mental health, addiction recovery in second run for sheriff* (Mar. 21, 2022), available at: <<https://www.vallejosun.com/former-solano-county-deputy-emphasizes-mental-health-addiction-recovery-in-second-run-for-sheriff/>>.

(c) Defendant WELLPATH, INC. “has been sued nearly 500 times over the last five years across the country, according to an online review of lawsuits.” KTVU FOX 2, Brooks Jarosz , Lisa Fernandez & Simone Aponte, *Santa Rita Jail’s medical provider is target of lawsuits, complaints about lack of care* (May 5, 2021), available at: <<https://www.ktvu.com/news/santa-rita-jails-medical-provider-is-target-of-lawsuits-complaints-about-lack-of-care>>.

(d) Defendant WELLPATH, INC. has “faced repeated complaints of inadequate mental healthcare.” *Estate of Linda Miller v. County of Sutter*, United States District Court, Eastern District of California, Case No. 2:20-cv-00577-KJM-DMC, ECF No. 67 at 25 (E.D. Cal. Oct. 30, 2020).

(e) As of 2015, over a 10-year period, county jails contracting with Defendant CALIFORNIA FORENSIC MEDICAL GROUP had a rate of suicide and drug overdoses 50 percent higher than in other county jails in California, and at least three county grand juries had criticized its role in inmate deaths. The Sacramento Bee, Brad Branan, *California for-profit company faces allegations of inadequate inmate care* (Jan. 17, 2015), available at: <<https://amp.sacbee.com/article7249637.html>>.

(f) In 2015, Defendant CALIFORNIA FORENSIC MEDICAL GROUP entered into a class action settlement which required it to address issues of inadequate medical and mental healthcare, inadequate staffing, and accommodations for disabled prisoners and serious safety problems at the Monterey County Jail. *Hernandez v. County of Monterey*, United States District Court, Northern District

of California, Case No. 5:13-cv-02354-BLF, ECF No. 485 (N.D. Cal. May 15, 2015). Defendant CALIFORNIA FORENSIC MEDICAL GROUP failed completely to comply with the terms of the settlement, and the court issued an order compelling its compliance. *Id.* ECF No. 617 (N.D. Cal. Nov. 1, 2017).

61. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC.'s inadequate policies and customs proximately caused violations of the rights of inmates housed at the Santa Rita Jail, including SALVADOR ROMERO.

FIRST CLAIM

Deliberate Indifference

(U.S. Const. Amend. XIV; 42 U.S.C. § 1983)

62. Plaintiff ESTATE OF SALVADOR ROMERO, pursuant to California Code of Civil Procedure section 377.30, asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

63. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

64. Defendants HUNT, KIMBROUGH, and DOE 1 to 20 intentionally refused to provide SALVADOR ROMERO with necessary medical care or treatment, putting SALVADOR ROMERO at substantial risk of suffering serious harm, and did not take reasonable available measures to abate that risk, where a reasonable official in the circumstances would have appreciated the high degree of risk involved, in the violation of rights protected by the Fourteenth Amendment to the U.S. Constitution.

65. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC. maintained policies or customs of action and inaction and knew or should have known that jail staff under their command were inadequately trained, supervised, or disciplined resulting from either the lack of proper training, pursuant to policy, or the result of the lack of policy, in the violation of rights protected by the Fourteenth Amendment to the U.S. Constitution.

66. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and

DOE 1 to 20's actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to rights, or were wantonly or oppressively done.

67. SALVADOR ROMERO was injured as a direct and proximate result of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF SALVADOR ROMERO to receive compensatory damages against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

WHEREFORE, Plaintiff ESTATE OF SALVADOR ROMERO prays for relief as hereunder appears.

SECOND CLAIM

Rehabilitation Act

(29 U.S.C. § 701, *et seq.*)

68. Plaintiff ESTATE OF SALVADOR ROMERO, pursuant to California Code of Civil Procedure section 377.30, asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH, INC.

69. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

70. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH, INC. each qualify as a "public entity" within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH, INC. receive federal financial assistance. SALVADOR ROMERO had a mental impairment that substantially limited one or more major life activities and had a record of such an impairment.

71. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 failed reasonably to accommodate SALVADOR ROMERO's disability, where they could have provided a reasonable

1 accommodation, including: (a) by providing SALVADOR ROMERO with necessary medical and mental
2 health care or treatment; (b) by transferring SALVADOR ROMERO to a medical or mental health
3 facility that could provide necessary care or treatment; and (c) by classifying and housing SALVADOR
4 ROMERO based on his mental impairment, where he would receive adequate and necessary medical and
5 mental health care, with deliberate indifference or reckless disregard, in violation of rights protected by
6 the Rehabilitation Act, 29 U.S.C. § 794, *et seq.*

7 72. SALVADOR ROMERO was injured as a direct and proximate result of Defendants
8 COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT,
9 KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff
10 ESTATE OF SALVADOR ROMERO to receive compensatory and nominal damages against
11 Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH,
12 INC.

13 WHEREFORE, Plaintiff ESTATE OF SALVADOR ROMERO prays for relief as hereunder
14 appears.

15 **THIRD CLAIM**

16 **Americans with Disabilities Act**

17 **(42 U.S.C. § 12101, *et seq.*)**

18 73. Plaintiff ESTATE OF SALVADOR ROMERO, pursuant to California Code of Civil
19 Procedure section 377.30, asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO
20 COUNTY SHERIFF'S OFFICE, and WELLPATH, INC.

21 74. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the
22 extent relevant and as if fully set forth in this Claim.

23 75. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and
24 WELLPATH, INC. each qualify as a "public entity" within the meaning of 42 U.S.C. § 12131(1)(A) and
25 28 C.F.R. § 35.104. SALVADOR ROMERO had a mental impairment that substantially limited one or
26 more major life activities and had a record of such an impairment.

27 76. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
28 THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 failed reasonably

1 to accommodate SALVADOR ROMERO's disability, where they could have provided a reasonable
2 accommodation, including: (a) by providing SALVADOR ROMERO with necessary medical and mental
3 health care or treatment; (b) by transferring SALVADOR ROMERO to a medical or mental health
4 facility that could provide necessary care or treatment; and (c) by classifying and housing SALVADOR
5 ROMERO based on his mental impairment, where he would receive adequate and necessary medical and
6 mental health care, with deliberate indifference or reckless disregard, in violation of rights protected by
7 the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

8 77. SALVADOR ROMERO was injured as a direct and proximate result of Defendants
9 COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT,
10 KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff
11 ESTATE OF SALVADOR ROMERO to receive compensatory and nominal damages against
12 Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, and WELLPATH,
13 INC.

14 WHEREFORE, Plaintiff ESTATE OF SALVADOR ROMERO prays for relief as hereunder
15 appears.

16 **FOURTH CLAIM**

17 **Unwarranted Interference with Familial Association**

18 **(U.S. Const. Amend. XIV; 42 U.S.C. § 1983)**

19 78. Plaintiff EMILIA ABEYTA asserts this Claim against Defendants COUNTY OF
20 SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH,
21 WELLPATH, INC., and DOE 1 to 20.

22 79. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the
23 extent relevant and as if fully set forth in this Claim.

24 80. Plaintiff EMILIA ABEYTA shared a close relationship and special bond with
25 SALVADOR ROMERO, her biological son, which included deep attachments, commitments, and
26 distinctively personal aspects of their lives and was typical of a close parent-child familial relationship.

27 81. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
28 THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 caused the

1 termination of and interference with Plaintiff EMILIA ABEYTA's familial relationship with
2 SALVADOR ROMERO, in the violation of rights protected by the Fourteenth Amendment to the U.S.
3 Constitution.

4 82. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and
5 DOE 1 to 20's actions and inactions were motivated by evil motive or intent, involved reckless or callous
6 indifference to rights, or were wantonly or oppressively done.

7 83. Plaintiff EMILIA ABEYTA was injured as a direct and proximate result of Defendants
8 COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT,
9 KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling her to receive
10 compensatory damages against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S
11 OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and
12 punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH,
13 INC., and DOE 1 to 20.

14 WHEREFORE, Plaintiff EMILIA ABEYTA prays for relief as hereunder appears.

15 **FIFTH CLAIM**

16 **Unwarranted Interference with Familial Association**

17 **(U.S. Const. Amend. I; 42 U.S.C. § 1983)**

18 84. Plaintiff EMILIA ABEYTA asserts this Claim against Defendants COUNTY OF
19 SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH,
20 WELLPATH, INC., and DOE 1 to 20.

21 85. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the
22 extent relevant and as if fully set forth in this Claim.

23 86. Plaintiff EMILIA ABEYTA shared a close relationship and special bond with
24 SALVADOR ROMERO, her biological son, which included deep attachments, commitments, and
25 distinctively personal aspects of their lives and was typical of a close parent-child familial relationship.

26 87. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
27 THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 caused the
28 termination of and interference with Plaintiff EMILIA ABEYTA's familial relationship with

1 SALVADOR ROMERO, in the violation of rights protected by the First Amendment to the U.S.
2 Constitution.

3 88. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and
4 DOE 1 to 20's actions and inactions were motivated by evil motive or intent, involved reckless or callous
5 indifference to rights, or were wantonly or oppressively done.

6 89. Plaintiff EMILIA ABEYTA was injured as a direct and proximate result of Defendants
7 COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT,
8 KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling her to receive
9 compensatory damages against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S
10 OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and
11 punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH,
12 INC., and DOE 1 to 20

13 WHEREFORE, Plaintiff EMILIA ABEYTA prays for relief as hereunder appears.

14 **SIXTH CLAIM**

15 **Failure to Summon Medical Care**

16 **(Cal. Gov. Code § 845.6)**

17 90. Plaintiff ESTATE OF SALVADOR ROMERO, pursuant to California Code of Civil
18 Procedure section 377.30, asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO
19 COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC.,
20 and DOE 1 to 20.

21 91. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the
22 extent relevant and as if fully set forth in this Claim.

23 92. Defendants HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 knew or had
24 reason to know that SALVADOR ROMERO was in need of immediate medical care and failed to take
25 reasonable action to summon such medical care, in violation of rights protected by California
26 Government Code section 845.6.

27 93. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
28 THOMAS FERRARA, and WELLPATH, INC. maintained policies or customs of action and inaction

1 resulting in harm, in violation of rights protected by California Government Code section 845.6.

2 94. Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE are
3 vicariously liable, through the principles of *respondeat superior* and pursuant to California Government
4 Code sections 815.2(a), 845.6, for injuries proximately caused by the acts and omissions of their agents
5 and employees acting within the scope of employment, including Defendants THOMAS FERRARA,
6 HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

7 95. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and
8 DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

9 96. SALVADOR ROMERO was injured as a direct and proximate result of Defendants
10 COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT,
11 KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff
12 ESTATE OF SALVADOR ROMERO to receive compensatory damages against Defendants COUNTY
13 OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT,
14 KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and punitive damages against Defendants
15 THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

16 WHEREFORE, Plaintiff ESTATE OF SALVADOR ROMERO prays for relief as hereunder
17 appears.

18 **SEVENTH CLAIM**

19 **Tom Bane Civil Rights Act**

20 **(Cal. Civ. Code § 52.1)**

21 97. Plaintiff ESTATE OF SALVADOR ROMERO, pursuant to California Code of Civil
22 Procedure section 377.30, asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO
23 COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC.,
24 and DOE 1 to 20.

25 98. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the
26 extent relevant and as if fully set forth in this Claim.

27 **Deliberate Indifference**

28 99. Defendants HUNT, KIMBROUGH, and DOE 1 to 20 intentionally refused to provide

1 SALVADOR ROMERO with necessary medical care or treatment, putting SALVADOR ROMERO at
2 substantial risk of suffering serious harm, and did not take reasonable available measures to abate that
3 risk, where a reasonable official in the circumstances would have appreciated the high degree of risk
4 involved, with deliberate indifference or reckless disregard of rights protected by the Fourteenth
5 Amendment to the U.S. Constitution and Article I, Sections 7(a) of the California Constitution.

6 100. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
7 THOMAS FERRARA, and WELLPATH, INC. maintained policies or customs of action and inaction
8 and knew or should have known that jail staff under their command were inadequately trained,
9 supervised, or disciplined resulting from either the lack of proper training, pursuant to policy, or the
10 result of the lack of policy, with deliberate indifference or reckless disregard of rights protected by the
11 Fourteenth Amendment to the U.S. Constitution and Article I, Sections 7(a) of the California
12 Constitution.

13 Rehabilitation Act & Americans with Disabilities Act

14 101. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
15 THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 failed reasonably
16 to accommodate SALVADOR ROMERO's disability, where they could have provided a reasonable
17 accommodation, including: (a) by providing SALVADOR ROMERO with necessary medical and mental
18 health care or treatment; (b) by transferring SALVADOR ROMERO to a medical or mental health
19 facility that could provide necessary care or treatment; and (c) by classifying and housing SALVADOR
20 ROMERO based on his mental impairment, where he would receive adequate and necessary medical and
21 mental health care, with deliberate indifference or reckless disregard, with deliberate indifference or
22 reckless disregard of rights protected by the Rehabilitation Act, 29 U.S.C. § 701, *et seq.* and Americans
23 with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

24 Failure to Summon Medical Care

25 102. Defendants HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 knew or had
26 reason to know that SALVADOR ROMERO was in need of immediate medical care and failed to take
27 reasonable action to summon such medical care, with deliberate indifference or reckless disregard of
28 rights protected by California Government Code section 845.6.

103. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC. maintained policies or customs of action and inaction resulting in harm, with deliberate indifference or reckless disregard of rights protected by California Government Code section 845.6.

Common Allegations

104. Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE are vicariously liable, through the principles of *respondeat superior* and pursuant to California Government Code sections 815.2(a), 845.6, for injuries proximately caused by the acts and omissions of their agents and employees acting within the scope of employment, including Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

105. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

106. SALVADOR ROMERO was injured as a direct and proximate result of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF SALVADOR ROMERO to receive compensatory and treble damages and civil penalties against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

WHEREFORE, Plaintiff ESTATE OF SALVADOR ROMERO prays for relief as hereunder appears.

EIGHTH CLAIM

Intentional Infliction of Emotional Distress

107. Plaintiff ESTATE OF SALVADOR ROMERO, pursuant to California Code of Civil Procedure section 377.30, asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

108. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

109. Defendants HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 engaged in outrageous conduct, with intent or reckless disregard of the probability that SALVADOR ROMERO would suffer emotional distress and he did suffer severe emotional distress, including by exhibiting deliberate indifference to SALVADOR ROMERO's need for medical care; by failing reasonably to accommodate SALVADOR ROMERO's mental impairment; by failing timely to summon medical care, in violation of California Government Code section 845.6; and/or by failing to conduct required checks, including in violation of California Code of Regulations, title 15, section 1027.5.

110. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC. engaged in outrageous conduct, with intent or reckless disregard of the probability that SALVADOR ROMERO would suffer emotional distress and he did suffer severe emotional distress, including by maintaining policies or customs of action and inaction resulting in harm, in violation of rights protected by California Government Code section 845.6.

111. Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE are vicariously liable, through the principles of *respondeat superior* and pursuant to California Government Code sections 815.2(a), 845.6, for injuries proximately caused by the acts and omissions of their agents and employees acting within the scope of employment, including Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

112. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

113. SALVADOR ROMERO was injured as a direct and proximate result of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF SALVADOR ROMERO to receive compensatory damages against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

1 WHEREFORE, Plaintiff ESTATE OF SALVADOR ROMERO prays for relief as hereunder
2 appears.

3 **NINTH CLAIM**

4 **Negligence**

5 114. Plaintiff ESTATE OF SALVADOR ROMERO, pursuant to California Code of Civil
6 Procedure section 377.30, asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO
7 COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC.,
8 and DOE 1 to 20.

9 115. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the
10 extent relevant and as if fully set forth in this Claim.

11 116. Defendants HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 owed a duty of
12 care to SALVADOR ROMERO and breached that duty, including by exhibiting deliberate indifference
13 to SALVADOR ROMERO's need for medical care; by failing reasonably to accommodate SALVADOR
14 ROMERO's mental impairment; by failing timely to summon medical care, in violation of California
15 Government Code section 845.6; and/or by failing to conduct required checks, including in violation of
16 California Code of Regulations, title 15, section 1027.5.

17 117. Defendant THOMAS FERRARA owed a duty of care to SALVADOR ROMERO,
18 including a special relationship with SALVADOR ROMERO and Defendants HUNT, KIMBROUGH,
19 WELLPATH, INC., and DOE 1 to 20, and breached that duty, including by maintaining policies or
20 customs of action and inaction which resulted in harm to SALVADOR ROMERO.

21 118. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
22 THOMAS FERRARA, and WELLPATH, INC. owed a duty of care to SALVADOR ROMERO created
23 by California Government Code section 845.6 and breached that duty, including by maintaining policies
24 or customs of action and inaction resulting in harm.

25 119. Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE are
26 vicariously liable, through the principles of *respondeat superior* and pursuant to California Government
27 Code sections 815.2(a), 845.6, for injuries proximately caused by the acts and omissions of their agents
28 and employees acting within the scope of employment, including Defendants THOMAS FERRARA,

HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

120. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

121. SALVADOR ROMERO was injured as a direct and proximate result of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff ESTATE OF SALVADOR ROMERO to receive compensatory damages against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

WHEREFORE, Plaintiff ESTATE OF SALVADOR ROMERO prays for relief as hereunder appears.

TENTH CLAIM

Wrongful Death

(Cal. Code Civ. Proc. § 377.60)

122. Plaintiff EMILIA ABEYTA asserts this Claim against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

123. The allegations of the preceding paragraphs 1 to 61 are realleged and incorporated, to the extent relevant and as if fully set forth in this Claim.

124. Defendants HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20 caused SALVADOR ROMERO's death by wrongful act and neglect, including by exhibiting deliberate indifference to SALVADOR ROMERO's need for medical care; by failing reasonably to accommodate SALVADOR ROMERO's mental impairment; by failing timely to summon medical care, in violation of California Government Code section 845.6; and/or by failing to conduct required checks, including in violation of California Code of Regulations, title 15, section 1027.5.

125. Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, and WELLPATH, INC. caused SALVADOR ROMERO's death by wrongful act

and neglect, including by maintaining policies or customs of action and inaction which resulted in harm and violated California Government Code section 845.6.

126. Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE are vicariously liable, through the principles of *respondeat superior* and pursuant to California Government Code sections 815.2(a), 845.6, for injuries proximately caused by the acts and omissions of their agents and employees acting within the scope of employment, including Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

127. Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

128. SALVADOR ROMERO died as a direct and proximate result of Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20's actions and inactions, entitling Plaintiff EMILIA ABEYTA to receive compensatory damages against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20; and punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20.

WHEREFORE, Plaintiff EMILIA ABEYTA prays for relief as hereunder appears.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ESTATE OF SALVADOR ROMERO and EMILIA ABEYTA seek Judgment as follows:

1. For an award of compensatory, general, special, and nominal damages (including survival damages and wrongful death damages under federal and state law) against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20, in excess of \$10,000,000, according to proof at trial;

2. For an award of exemplary/punitive damages against Defendants THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20, in an amount sufficient to deter and to make an example of them, because their actions and/or inactions, as alleged, were motivated by evil motive or intent, involved reckless or callous indifference to constitutionally and statutorily protected

rights, or were wantonly or oppressively done, and/or constituted oppression and/or malice resulting in great harm;

3. For funeral and/or burial expenses;

4. For an award of actual damages, treble damages, punitive damages, civil penalties, and any other available relief against Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE, THOMAS FERRARA, HUNT, KIMBROUGH, WELLPATH, INC., and DOE 1 to 20, pursuant to California Civil Code sections 52, 52.1, and any other statute as may be applicable (except that no punitive damages are sought against Defendants COUNTY OF SOLANO and SOLANO COUNTY SHERIFF'S OFFICE, pursuant to California Civil Code section 818);

5. For an award of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, 29 U.S.C. § 794, 42 U.S.C. § 12205, California Civil Code section 52.1, California Code of Civil Procedure section 1021.5, and any other statute as may be applicable;

6. For interest; and

7. For an award of any other further relief, as the Court deems fair, just, and equitable.

Dated: March 20, 2023

Respectfully Submitted,



By: _____

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ESTATE OF SALVADOR ROMERO
and EMILIA ABEYTA

JURY TRIAL DEMAND

A JURY TRIAL IS DEMANDED on behalf of Plaintiffs ESTATE OF SALVADOR ROMERO
and EMILIA ABEYTA.

Dated: March 20, 2023

Respectfully Submitted,



By: _____

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